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IN THE DISTRICT COURT FOR IRON COUNTY, STATE OF UTAH

IN RE GENERAL DETERMINATION	:	
OF WATER RIGHTS BOTH SURFACE	:	SECOND AMENDMENT TO
AND UNDERGROUND WITHIN THE	:	INTERLOCUTORY DECREE
ESCALANTE VALLEY DRAINAGE AREA.	:	AS TO DUTY OF WATER.

This matter came before the court on 2 July 1958 at Beaver, Utah, upon motion of E. J. Skeen, Esq., appearing as counsel for H. L. Tolley, Floyd Wright, Oren Puffer, Lyle Appelgate, Don Alger, W. Haurse and other users of underground water in the Milford Valley area, praying for modification of the provisions of the interlocutory decree heretofore entered herein as to duty of water. The court heard the testimony offered in support of said motion and upon request of counsel the court, in company with Hubert C. Lambert, of the State Engineer's Office, and visited and viewed numerous fields in the central portion of the Milford Valley pumping area.

The court finds that, due to a late spring and abnormally dry weather, crops are in need of an additional supply of water and that it is proper and equitable to grant a further modification of the interlocutory decree relative to use of underground water during the 1958 season.

IT IS THEREFORE ORDERED:

1. That for the irrigation season of 1958, water users from the Milford Valley underground water basin and from the Beryl-Enterprise underground water basin shall be permitted to use four acre feet of water per acre of land crops and irrigated upon tracts awarded a water right under the Proposed Determination of Water Rights herein, without any charge against future water allotments.

2. That use of water in excess of four acre feet per acre of land allotted a water right shall be charged against the water user on his 1959 allotment of water, and the amount of such excess shall be deducted from the amount of water allowed for use by such year in the year 1959.

3. That the maximum of five acre feet per acre heretofore fixed by order of the court is withdrawn, but water used in excess of four acre feet per acre as provided in paragraph 2 shall be charged against the user.

4. That the water commissioner shall keep a record of quantities of water used in excess of four acre feet per acre of allotted water right and shall charge such excess against the users' right for the year 1959.

Done this 3 day of July, 1958.

/s/ Will L. Hoyt  
District Judge

Copies of above order mailed 3 July 1958 to:

Wayne D. Criddle, State Engineer  
Clifton Johnson, Cedar City

E. J. Skeen, Salt Lake City  
Sam Cline, Milford  
Durham Morris, Cedar City.